

Rec'd PCT/PTO

10/519,762 7-28-04 JCN4 Rec'd PCT/PTO 26 JUL 2005  
PCT



I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV736098782US, in an envelope addressed to: MS Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: July 26, 2005

Signature:   
(Yuki Tsukada)

Docket No.: 15115/147001  
(PATENT)

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:  
Kiyoshi Imai et al.

Application No.: 10/519,762

Confirmation No.: 5376

Filed: December 29, 2004

Art Unit: N/A

For: VARIABLE OPTICAL ATTENUATOR

Examiner: Not Yet Assigned

### RESPONSE TO NOTICE TO FILE MISSING REQUIREMENTS

MS Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the Notice to File Missing Requirements – Filing Date Granted mailed June 29, 2005, Applicant respectfully submits a Combined Declaration and Power of Attorney, an Application Data Sheet, an Information Disclosure Statement, an Information Disclosure Citation (PTO SB/08), and a Copy of Notice.

Please charge our Credit Card in the amount of \$130.00 covering the fee set forth in 37 CFR 1.16(f). Credit Card Payment Form SB-2038, with a signature from an authorized cardholder, is enclosed. The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith to our Deposit Account No. 50-0591, under Order No. 15115/147001.

07/29/2005 GFREYI 00000148 10519762

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130.00 0P

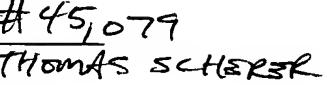


Application No.: 10/519,762

Docket No.: 15115/147001

Dated: July 26, 2005

Respectfully submitted,

By  #45,079  
Jonathan P. Osha   
Registration No.: 33,986  
OSHA · LIANG LLP  
1221 McKinney St., Suite 2800  
Houston, Texas 77010  
(713) 228-8600  
(713) 228-8778 (Fax)



Under the Paperwork Reduction Act of 1995, no person are required to respond to a collection of information unless it displays a valid OMB control number.

Effective on 12/08/2004.

Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

# FEE TRANSMITTAL

## For FY 2005

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 130.00)

## Complete if Known

Application Number	10/519,762-Conf. #5376
Filing Date	December 29, 2004
First Named Inventor	Kiyoshi Imai
Examiner Name	Not Yet Assigned
Art Unit	N/A
Attorney Docket No.	15115/147001

## METHOD OF PAYMENT (check all that apply)

Check     Credit Card     Money Order     None     Other (please identify): \_\_\_\_\_  
 Deposit Account    Deposit Account Number: 50-0591    Deposit Account Name: Osha · Liang LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

Charge fee(s) indicated below     Charge fee(s) indicated below, except for the filing fee  
 Charge any additional fee(s) or underpayment of fee(s) under 37 CFR 1.16 and 1.17     Credit any overpayments

## FEE CALCULATION

## 1. BASIC FILING, SEARCH, AND EXAMINATION FEES

<u>Application Type</u>	<u>FILING FEES</u>		<u>SEARCH FEES</u>		<u>EXAMINATION FEES</u>		<u>Fees Paid (\$)</u>
	<u>Fee (\$)</u>	<u>Small Entity Fee (\$)</u>	<u>Fee (\$)</u>	<u>Small Entity Fee (\$)</u>	<u>Fee (\$)</u>	<u>Small Entity Fee (\$)</u>	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

## 2. EXCESS CLAIM FEES

## Fee Description

Each claim over 20 (including Reissues)

<u>Small Entity</u>	
<u>Fee (\$)</u>	<u>Fee (\$)</u>

50      25

Each independent claim over 3 (including Reissues)

200      100

Multiple dependent claims

360      180

<u>Total Claims</u>	<u>Extra Claims</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>	<u>Multiple Dependent Claims</u>
_____	_____	_____	_____	<u>Fee (\$)</u> <u>Fee Paid (\$)</u>
_____	_____	_____	_____	_____
<u>Indep. Claims</u>	<u>Extra Claims</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>	_____
_____	_____	_____	_____	_____

## 3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

<u>Total Sheets</u>	<u>Extra Sheets</u>	<u>Number of each additional 50 or fraction thereof</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>
_____ - 100 = _____	_____ /50	_____ (round up to a whole number) x _____ = _____	_____	_____

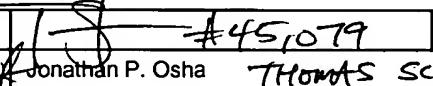
## 4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): 1051 Surcharge-Late oath or declaration

130.00

## SUBMITTED BY

Signature 	Registration No. (Attorney/Agent) 33,986	Telephone (713) 228-8600
Name (Print/Type) Jonathan P. Osha 	Date July 26, 2005	

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Dated: July 26, 2005

Signature:  (Yuki Tsukuda)

## **Certificate of Express Mailing Under 37 CFR 1.10**

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**MS Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria; VA 22313-1450**

on July 26, 2005  
Date

  
John D. Bunn  
Signature

Signature

Yuki Tsukuda

**Typed or printed name of person signing Certificate**

**Registration Number, if applicable:**

(713) 228-8600

**Note:** Each paper must have its own certificate of mailing, or this certificate must identify each submitted paper.

Fee Transmittal (1 page)  
Application Data Sheet (4 pages)  
Declaration and POA for Patent Application (5 pages)  
A Copy of Notice of Missing Requirements (2 pages)  
Response to Notice to File Missing Parts of Application (2 pages)  
Information Disclosure Statement (2 pages)  
IDS (Citation) by Applicant (3 References) (1 page)  
Payment by credit card. Form PTO-2038 is attached  
Charge \$130.00 to credit card

10/519,762 RECEIVED of 2

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UNITED STATES PATENT AND TRADEMARK OFFICE

JUL 01 2005

OSHA • LIANG LLP

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/519,762	Kiyoshi Imai	15115/147001

22511  
OSHA LIANG L.L.P.  
1221 MCKINNEY STREET  
SUITE 2800  
HOUSTON, TX 77010

INTERNATIONAL APPLICATION NO.

PCT/JP03/08188

I.A. FILING DATE	PRIORITY DATE
06/27/2003	07/12/2002

CONFIRMATION NO. 5376  
371 FORMALITIES LETTER



\*OC000000016402701\*

Date Mailed: 06/29/2005

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 12/29/2004
- English Translation of the IA filed on 12/29/2004
- Information Disclosure Statements filed on 12/29/2004
- Request for Immediate Examination filed on 12/29/2004
- U.S. Basic National Fees filed on 12/29/2004
- Priority Documents filed on 12/29/2004
- Specification filed on 12/29/2004
- Claims filed on 12/29/2004
- Abstracts filed on 12/29/2004
- Drawings filed on 12/29/2004

Prev. Docketed | Docketing.

Action: IDS	Mission Paris (2nd)
Base Date: 12/29/04	6/29/05
Due Date: 3/29/05	8/29/05
Deadline: 7/29/05	1/29/06
Initials:	
Atty./Sec. Initials:	

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- \$130 Surcharge for providing the oath or declaration later than 30 months from the priority date (37 CFR 1.492(e)) is required.

#### SUMMARY OF FEES DUE:

Total additional fees required for this application is \$130 for a Large Entity:

- \$130 Late oath or declaration Surcharge.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

SHELBY J VIGIL

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Telephone: (703) 308-9140 EXT 224

**PART 1 - ATTORNEY/APPLICANT COPY**

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U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/519,762	PCT/JP03/08188	15115/147001

FORM PCT/DO/EO/905 (371 Formalities Notice)